



General Assembly

February Session, 2014

***Raised Bill No. 5594***

LCO No. 2900



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING DIVERSIONARY PROGRAMS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective from passage*) The court shall waive all  
2       probation fees, including any program fees, for any person sentenced  
3       to a period of probation, including a person sentenced as a juvenile or  
4       youthful offender, who has been determined indigent by the court and  
5       eligible for representation by a public defender, appointed pursuant to  
6       section 51-296 of the general statutes.

7       Sec. 2. Section 53a-39c of the 2014 supplement to the general statutes  
8       is repealed and the following is substituted in lieu thereof (*Effective*  
9       *from passage*):

10       (a) There is established, within available appropriations, a  
11       community service labor program for persons convicted of a first  
12       violation of section 21a-267 or 21a-279 who have not previously been  
13       convicted of a violation of section 21a-277 or 21a-278. Upon application  
14       by any such person for participation in the program, the court shall,  
15       but only as to the public, order the court file sealed. Upon application

16 by any such person for participation in such program the court may  
17 grant such application and, upon a plea of guilty without trial where a  
18 term of imprisonment is part of a stated plea agreement, suspend any  
19 sentence of imprisonment and make participation in such program a  
20 condition of probation or conditional discharge in accordance with  
21 section 53a-30. No person may be placed in such program who has  
22 previously been placed in such program.

23 (b) Any person who enters such program shall pay to the court a  
24 participation fee of two hundred five dollars, except that: [no] (1) No  
25 person may be excluded from such program for inability to pay such  
26 fee, provided [(1)] (A) such person files with the court an affidavit of  
27 indigency or inability to pay, [(2)] (B) such indigency is confirmed by  
28 the Court Support Services Division, and [(3)] (C) the court enters a  
29 finding thereof; and (2) the court shall waive all application and  
30 program fees for any person who has been determined indigent and  
31 eligible for representation by a public defender, appointed pursuant to  
32 section 51-296. All program fees collected under this subsection shall  
33 be deposited into the alternative incarceration program account.

34 (c) The period of participation in the community service labor  
35 program shall be thirty days.

36 Sec. 3. Section 54-56e of the 2014 supplement to the general statutes  
37 is repealed and the following is substituted in lieu thereof (*Effective*  
38 *from passage*):

39 (a) There shall be a pretrial program for accelerated rehabilitation of  
40 persons accused of a crime or crimes or a motor vehicle violation or  
41 violations for which a sentence to a term of imprisonment may be  
42 imposed, which crimes or violations are not of a serious nature. Upon  
43 application by any such person for participation in the program, the  
44 court shall, but only as to the public, order the court file sealed.

45 (b) The court may, in its discretion, invoke such program on motion  
46 of the defendant or on motion of a state's attorney or prosecuting

47 attorney with respect to a defendant (1) who, the court believes, will  
48 probably not offend in the future, (2) who has no previous record of  
49 conviction of a crime or of a violation of section 14-196, subsection (c)  
50 of section 14-215, section 14-222a, subsection (a) of section 14-224 or  
51 section 14-227a, and (3) who states under oath, in open court or before  
52 any person designated by the clerk and duly authorized to administer  
53 oaths, under the penalties of perjury, (A) that the defendant has never  
54 had such program invoked [in] on the defendant's behalf or [,] ten or  
55 more years have passed since the date that any charge or charges for  
56 which the program was invoked on the defendant's behalf were  
57 dismissed by the court, or (B) with respect to a defendant who is a  
58 veteran, that the defendant has not had such program invoked in the  
59 defendant's behalf more than once previously, provided the defendant  
60 shall agree thereto and provided notice has been given by the  
61 defendant, on a form approved by rule of court, to the victim or  
62 victims of such crime or motor vehicle violation, if any, by registered  
63 or certified mail and such victim or victims have an opportunity to be  
64 heard thereon. Any defendant who makes application for participation  
65 in such program shall pay to the court an application fee of thirty-five  
66 dollars. For the purposes of this section, "veteran" means a person who  
67 is [(A)] (i) a veteran, as defined in subsection (a) of section 27-103, or  
68 [(B)] (ii) eligible to receive services from the United States Department  
69 of Veterans Affairs pursuant to Title 38 of the United States Code.

70 (c) This section shall not be applicable: (1) To any person charged  
71 with a class A felony, a class B felony, except a violation of section 53a-  
72 122 that does not involve the use, attempted use or threatened use of  
73 physical force against another person, or a violation of section 14-227a,  
74 subdivision (2) of subsection (a) of section 53-21, section 53a-56b, 53a-  
75 60d, 53a-70, 53a-70a, 53a-70b, 53a-71, except as provided in subdivision  
76 (5) of this subsection, 53a-72a, 53a-72b, 53a-90a, 53a-196e or 53a-196f,  
77 (2) to any person charged with a crime or motor vehicle violation who,  
78 as a result of the commission of such crime or motor vehicle violation,  
79 causes the death of another person, (3) to any person accused of a

80 family violence crime as defined in section 46b-38a who (A) is eligible  
81 for the pretrial family violence education program established under  
82 section 46b-38c, as amended by this act, or (B) has previously had the  
83 pretrial family violence education program invoked in such person's  
84 behalf, (4) to any person charged with a violation of section 21a-267 or  
85 21a-279 who (A) is eligible for the pretrial drug education and  
86 community service program established under section 54-56i, as  
87 amended by this act, or (B) has previously had the pretrial drug  
88 education program or the pretrial drug education and community  
89 service program invoked on such person's behalf, (5) unless good  
90 cause is shown, to (A) any person charged with a class C felony, or (B)  
91 any person charged with committing a violation of subdivision (1) of  
92 subsection (a) of section 53a-71 while such person was less than four  
93 years older than the other person, (6) to any person charged with a  
94 violation of section 9-359 or 9-359a, or (7) to any person charged with a  
95 motor vehicle violation [(A)] while operating a commercial motor  
96 vehicle, as defined in section 14-1, [or (B) who holds a commercial  
97 driver's license or commercial driver's instruction permit] at the time  
98 of the violation.

99 (d) Except as provided in subsection (e) of this section, any  
100 defendant who enters such program shall pay to the court a  
101 participation fee of one hundred dollars. Any defendant who enters  
102 such program shall agree to the tolling of any statute of limitations  
103 with respect to such crime and to a waiver of the right to a speedy trial.  
104 Any such defendant shall appear in court and shall, under such  
105 conditions as the court shall order, be released to the custody of the  
106 Court Support Services Division, except that, if a criminal docket for  
107 drug-dependent persons has been established pursuant to section  
108 51-181b in the judicial district, such defendant may be transferred,  
109 under such conditions as the court shall order, to the court handling  
110 such docket for supervision by such court. If the defendant refuses to  
111 accept, or, having accepted, violates such conditions, the defendant's  
112 case shall be brought to trial. The period of such probation or

113 supervision, or both, shall not exceed two years. If the defendant has  
114 reached the age of sixteen years but has not reached the age of eighteen  
115 years, the court may order that as a condition of such probation the  
116 defendant be referred for services to a youth service bureau  
117 established pursuant to section 10-19m, provided the court finds,  
118 through an assessment by a youth service bureau or its designee, that  
119 the defendant is in need of and likely to benefit from such services.  
120 When determining any conditions of probation to order for a person  
121 entering such program who was charged with a misdemeanor that did  
122 not involve the use, attempted use or threatened use of physical force  
123 against another person or a motor vehicle violation, the court shall  
124 consider ordering the person to perform community service in the  
125 community in which the offense or violation occurred. If the court  
126 determines that community service is appropriate, such community  
127 service may be implemented by a community court established in  
128 accordance with section 51-181c if the offense or violation occurred  
129 within the jurisdiction of a community court established by said  
130 section. If the defendant is charged with a violation of section 46a-58,  
131 53-37a, 53a-181j, 53a-181k or 53a-181l, the court may order that as a  
132 condition of such probation the defendant participate in a hate crimes  
133 diversion program as provided in subsection (e) of this section. If a  
134 defendant is charged with a violation of section 53-247, the court may  
135 order that as a condition of such probation the defendant undergo  
136 psychiatric or psychological counseling or participate in an animal  
137 cruelty prevention and education program provided such a program  
138 exists and is available to the defendant.

139 (e) If the court orders the defendant to participate in a hate crimes  
140 diversion program as a condition of probation, the defendant shall pay  
141 to the court a participation fee of four hundred twenty-five dollars, [.  
142 No] except that: (1) No person may be excluded from such program for  
143 inability to pay such fee, provided [(1)] (A) such person files with the  
144 court an affidavit of indigency or inability to pay, [(2)] (B) such  
145 indigency or inability to pay is confirmed by the Court Support

146 Services Division, and [(3)] (C) the court enters a finding thereof; and  
147 (2) the court shall waive all application and program fees for any  
148 person who has been determined indigent and eligible for  
149 representation by a public defender, appointed pursuant to section 51-  
150 296. The Judicial Department shall contract with service providers,  
151 develop standards and oversee appropriate hate crimes diversion  
152 programs to meet the requirements of this section. Any defendant  
153 whose employment or residence makes it unreasonable to attend a  
154 hate crimes diversion program in this state may attend a program in  
155 another state which has standards substantially similar to, or higher  
156 than, those of this state, subject to the approval of the court and  
157 payment of the application and program fees as provided in this  
158 section. The hate crimes diversion program shall consist of an  
159 educational program and supervised community service.

160 (f) If a defendant released to the custody of the Court Support  
161 Services Division satisfactorily completes such defendant's period of  
162 probation, such defendant may apply for dismissal of the charges  
163 against such defendant and the court, on finding such satisfactory  
164 completion, shall dismiss such charges. If the defendant does not apply  
165 for dismissal of the charges against such defendant after satisfactorily  
166 completing such defendant's period of probation, the court, upon  
167 receipt of a report submitted by the Court Support Services Division  
168 that the defendant satisfactorily completed such defendant's period of  
169 probation, may on its own motion make a finding of such satisfactory  
170 completion and dismiss such charges. If a defendant transferred to the  
171 court handling the criminal docket for drug-dependent persons  
172 satisfactorily completes such defendant's period of supervision, the  
173 court shall release the defendant to the custody of the Court Support  
174 Services Division under such conditions as the court shall order or  
175 shall dismiss such charges. Upon dismissal, all records of such charges  
176 shall be erased pursuant to section 54-142a. An order of the court  
177 denying a motion to dismiss the charges against a defendant who has  
178 completed such defendant's period of probation or supervision or

179 terminating the participation of a defendant in such program shall be a  
180 final judgment for purposes of appeal.

181 Sec. 4. Section 54-56g of the 2014 supplement to the general statutes  
182 is repealed and the following is substituted in lieu thereof (*Effective*  
183 *from passage*):

184 (a) There shall be a pretrial alcohol education program for persons  
185 charged with a violation of section 14-227a, 14-227g, 15-132a, 15-133,  
186 15-140l or 15-140n. Upon application by any such person for  
187 participation in such program and payment to the court of an  
188 application fee of one hundred dollars and a nonrefundable evaluation  
189 fee of one hundred dollars, the court shall, but only as to the public,  
190 order the court file sealed, provided such person states under oath, in  
191 open court or before any person designated by the clerk and duly  
192 authorized to administer oaths, under penalties of perjury that: (1) If  
193 such person is charged with a violation of section 14-227a, such person  
194 has not had such program invoked in such person's behalf within the  
195 preceding ten years for a violation of section 14-227a, (2) if such person  
196 is charged with a violation of section 14-227g, such person has never  
197 had such program invoked in such person's behalf for a violation of  
198 section 14-227a or 14-227g, (3) such person has not been convicted of a  
199 violation of section 53a-56b or 53a-60d, a violation of subsection (a) of  
200 section 14-227a before or after October 1, 1981, or a violation of  
201 subdivision (1) or (2) of subsection (a) of section 14-227a on or after  
202 October 1, 1985, and (4) such person has not been convicted in any  
203 other state at any time of an offense the essential elements of which are  
204 substantially the same as section 53a-56b or 53a-60d or subdivision (1)  
205 or (2) of subsection (a) of section 14-227a. Unless good cause is shown,  
206 a person shall be ineligible for participation in such pretrial alcohol  
207 education program if such person's alleged violation of section 14-227a  
208 or 14-227g caused the serious physical injury, as defined in section 53a-  
209 3, of another person. The application fee imposed by this subsection  
210 shall be credited to the Criminal Injuries Compensation Fund  
211 established by section 54-215. The evaluation fee imposed by this

212 subsection shall be credited to the pretrial account established under  
213 section 54-56k.

214 (b) The court, after consideration of the recommendation of the  
215 state's attorney, assistant state's attorney or deputy assistant state's  
216 attorney in charge of the case, may, in its discretion, grant such  
217 application. If the court grants such application, the court shall refer  
218 such person to the Court Support Services Division for assessment and  
219 confirmation of the eligibility of the applicant and to the Department  
220 of Mental Health and Addiction Services for evaluation. The Court  
221 Support Services Division, in making its assessment and confirmation,  
222 may rely on the representations made by the applicant under oath in  
223 open court with respect to convictions in other states of offenses  
224 specified in subsection (a) of this section. Upon confirmation of  
225 eligibility and receipt of the evaluation report, the defendant shall be  
226 referred to the Department of Mental Health and Addiction Services  
227 by the Court Support Services Division for placement in an  
228 appropriate alcohol intervention program for one year, or be placed in  
229 a state-licensed substance abuse treatment program. The alcohol  
230 intervention program shall include a ten-session intervention program  
231 and a fifteen-session intervention program. Any person who enters the  
232 pretrial alcohol education program shall agree: (1) To the tolling of the  
233 statute of limitations with respect to such crime, (2) to a waiver of such  
234 person's right to a speedy trial, (3) to complete ten or fifteen counseling  
235 sessions in an alcohol intervention program or successfully complete a  
236 substance abuse treatment program of not less than twelve sessions  
237 pursuant to this section dependent upon the evaluation report and the  
238 court order, (4) to commence participation in an alcohol intervention  
239 program or substance abuse treatment program not later than ninety  
240 days after the date of entry of the court order unless granted a delayed  
241 entry into a program by the court, (5) upon completion of participation  
242 in the alcohol intervention program, to accept placement in a substance  
243 abuse treatment program upon the recommendation of a provider  
244 under contract with the Department of Mental Health and Addiction



245 Services pursuant to subsection (f) of this section or placement in a  
246 state-licensed substance abuse treatment program which meets  
247 standards established by the Department of Mental Health and  
248 Addiction Services, if the Court Support Services Division deems it  
249 appropriate, and (6) if ordered by the court, to participate in at least  
250 one victim impact panel. The suspension of the motor vehicle  
251 operator's license of any such person pursuant to section 14-227b shall  
252 be effective during the period such person is participating in the  
253 pretrial alcohol education program, provided such person shall have  
254 the option of not commencing the participation in such program until  
255 the period of such suspension is completed. If the Court Support  
256 Services Division informs the court that the defendant is ineligible for  
257 such program and the court makes a determination of ineligibility or if  
258 the program provider certifies to the court that the defendant did not  
259 successfully complete the assigned program or is no longer amenable  
260 to treatment and such person does not request, or the court denies,  
261 program reinstatement under subsection (e) of this section, the court  
262 shall order the court file to be unsealed, enter a plea of not guilty for  
263 such defendant and immediately place the case on the trial list. If such  
264 defendant satisfactorily completes the assigned program, such  
265 defendant may apply for dismissal of the charges against such  
266 defendant and the court, on reviewing the record of the defendant's  
267 participation in such program submitted by the Court Support  
268 Services Division and on finding such satisfactory completion, shall  
269 dismiss the charges. If the defendant does not apply for dismissal of  
270 the charges against such defendant after satisfactorily completing the  
271 assigned program the court, upon receipt of the record of the  
272 defendant's participation in such program submitted by the Court  
273 Support Services Division, may on its own motion make a finding of  
274 such satisfactory completion and dismiss the charges. Upon motion of  
275 the defendant and a showing of good cause, the court may extend the  
276 one-year placement period for a reasonable period for the defendant to  
277 complete the assigned program. A record of participation in such  
278 program shall be retained by the Court Support Services Division for a

279 period of ten years from the date the court grants the application for  
280 participation in such program. The Court Support Services Division  
281 shall transmit to the Department of Motor Vehicles a record of  
282 participation in such program for each person who satisfactorily  
283 completes such program. The Department of Motor Vehicles shall  
284 maintain for a period of ten years the record of a person's participation  
285 in such program as part of such person's driving record. The Court  
286 Support Services Division shall transmit to the Department of Energy  
287 and Environmental Protection the record of participation of any person  
288 who satisfactorily completes such program who has been charged with  
289 a violation of the provisions of section 15-132a, 15-133, 15-140/ or 15-  
290 140n. The Department of Energy and Environmental Protection shall  
291 maintain for a period of ten years the record of a person's participation  
292 in such program as a part of such person's boater certification record.

293 (c) At the time the court grants the application for participation in  
294 the pretrial alcohol education program, such person shall also pay to  
295 the court a nonrefundable program fee of three hundred fifty dollars if  
296 such person is ordered to participate in the ten-session intervention  
297 program and a nonrefundable program fee of five hundred dollars if  
298 such person is ordered to participate in the fifteen-session intervention  
299 program. If the court grants the application for participation in the  
300 pretrial alcohol education program and such person is ordered to  
301 participate in a substance abuse treatment program, such person shall  
302 be responsible for the costs associated with participation in such  
303 program. No person may be excluded from either program for  
304 inability to pay such fee or cost, provided (1) such person files with the  
305 court an affidavit of indigency or inability to pay, (2) such indigency or  
306 inability to pay is confirmed by the Court Support Services Division,  
307 and (3) the court enters a finding thereof. If the court finds that a  
308 person is indigent or unable to pay for a treatment program, the costs  
309 of such program shall be paid from the pretrial account established  
310 under section 54-56k. If the court finds that a person is indigent or  
311 unable to pay for an intervention program, the court may waive all or

312 any portion of the fee for such intervention program. The court shall  
313 waive all application and program fees for any person who enters such  
314 program and has been determined indigent and eligible for  
315 representation by a public defender, appointed pursuant to section 51-  
316 296. If the court denies the application, such person shall not be  
317 required to pay the program fee. If the court grants the application and  
318 such person is later determined to be ineligible for participation in  
319 such pretrial alcohol education program or fails to complete the  
320 assigned program, the program fee shall not be refunded. All program  
321 fees shall be credited to the pretrial account established under section  
322 54-56k.

323 (d) If a person returns to court with certification from a program  
324 provider that such person did not successfully complete the assigned  
325 program or is no longer amenable to treatment, the provider, to the  
326 extent practicable, shall include a recommendation to the court as to  
327 whether a ten-session intervention program, a fifteen-session  
328 intervention program or placement in a state-licensed substance abuse  
329 treatment program would best serve such person's needs. The  
330 provider shall also indicate whether the current program referral was  
331 an initial referral or a reinstatement to the program.

332 (e) When a person subsequently requests reinstatement into an  
333 alcohol intervention program or a substance abuse treatment program  
334 and the Court Support Services Division verifies that such person is  
335 eligible for reinstatement into such program and thereafter the court  
336 favorably acts on such request, such person shall pay a nonrefundable  
337 program fee of one hundred seventy-five dollars if ordered to  
338 complete a ten-session intervention program or two hundred fifty  
339 dollars if ordered to complete a fifteen-session intervention program,  
340 as the case may be. Unless good cause is shown, such fees shall not be  
341 waived. If the court grants a person's request to be reinstated into a  
342 treatment program, such person shall be responsible for the costs, if  
343 any, associated with being reinstated into the treatment program. All  
344 program fees collected in connection with a reinstatement to an

345 intervention program shall be credited to the pretrial account  
346 established under section 54-56k. No person shall be permitted more  
347 than two program reinstatements pursuant to this subsection.

348 (f) The Department of Mental Health and Addiction Services shall  
349 contract with service providers, develop standards and oversee  
350 appropriate alcohol programs to meet the requirements of this section.  
351 Said department shall adopt regulations, in accordance with chapter  
352 54, to establish standards for such alcohol programs. Any person  
353 ordered to participate in a treatment program shall do so at a state-  
354 licensed treatment program which meets the standards established by  
355 said department. Any defendant whose employment or residence  
356 makes it unreasonable to attend an alcohol intervention program or a  
357 substance abuse treatment program in this state may attend a program  
358 in another state which has standards substantially similar to, or higher  
359 than, those of this state, subject to the approval of the court and  
360 payment of the application, evaluation and program fees and  
361 treatment costs, as appropriate, as provided in this section.

362 (g) The court may, as a condition of granting such application,  
363 require that such person participate in a victim impact panel program  
364 approved by the Court Support Services Division of the Judicial  
365 Department. Such victim impact panel program shall provide a  
366 nonconfrontational forum for the victims of alcohol-related or drug-  
367 related offenses and offenders to share experiences on the impact of  
368 alcohol-related or drug-related incidents in their lives. Such victim  
369 impact panel program shall be conducted by a nonprofit organization  
370 that advocates on behalf of victims of accidents caused by persons who  
371 operated a motor vehicle while under the influence of intoxicating  
372 liquor or any drug, or both. Such organization may assess a  
373 participation fee of not more than seventy-five dollars on any person  
374 required by the court to participate in such program, provided such  
375 organization shall offer a hardship waiver when it has determined that  
376 the imposition of a fee would pose an economic hardship for such  
377 person.

378 (h) The provisions of this section shall not be applicable in the case  
379 of any person charged with a violation of section 14-227a [(1)] while  
380 operating a commercial motor vehicle, as defined in section 14-1, [or  
381 (2) who holds a commercial driver's license or commercial driver's  
382 instruction permit] at the time of the violation.

383 Sec. 5. Subsection (g) of section 54-56i of the 2014 supplement to the  
384 general statutes is repealed and the following is substituted in lieu  
385 thereof (*Effective from passage*):

386 (g) At the time the court grants the application for participation in  
387 the pretrial drug education and community service program, any  
388 person ordered to participate in the drug education program shall pay  
389 to the court a nonrefundable program fee of six hundred dollars. If the  
390 court orders participation in a substance abuse treatment program,  
391 such person shall pay to the court a nonrefundable program fee of one  
392 hundred dollars and shall be responsible for the costs associated with  
393 such program. No person may be excluded from any such program for  
394 inability to pay such fee or cost, provided (1) such person files with the  
395 court an affidavit of indigency or inability to pay, (2) such indigency or  
396 inability to pay is confirmed by the Court Support Services Division,  
397 and (3) the court enters a finding thereof. The court may waive all or  
398 any portion of such fee depending on such person's ability to pay. The  
399 court shall waive all application and program fees for any person who  
400 enters such program and has been determined indigent and eligible for  
401 representation by a public defender, appointed pursuant to section 51-  
402 296. If the court finds that a person is indigent or unable to pay for a  
403 substance abuse treatment program, the costs of such program shall be  
404 paid from the pretrial account established under section 54-56k. If the  
405 court denies the application, such person shall not be required to pay  
406 the program fee. If the court grants the application, and such person is  
407 later determined to be ineligible for participation in such pretrial drug  
408 education and community service program or fails to complete the  
409 assigned program, the program fee shall not be refunded. All program  
410 fees shall be credited to the pretrial account established under section

411 54-56k.

412 Sec. 6. Section 54-56j of the general statutes is repealed and the  
413 following is substituted in lieu thereof (*Effective from passage*):

414 (a) There shall be a school violence prevention program for students  
415 of a public or private secondary school charged with an offense  
416 involving the use or threatened use of physical violence in or on the  
417 real property comprising a public or private elementary or secondary  
418 school or at a school-sponsored activity as defined in subsection (h) of  
419 section 10-233a. Upon application by any such person for participation  
420 in such program, the court shall, but only as to the public, order the  
421 court file sealed, provided such person states under oath, in open court  
422 or before any person designated by the clerk and duly authorized to  
423 administer oaths, under penalties of perjury that such person (1) has  
424 never had such [system] program invoked [in] on such person's behalf  
425 [and that such person] or that two or more years have passed since the  
426 date that any charge or charges for which the program was invoked  
427 were dismissed by the court, (2) has not been convicted of an offense  
428 involving the threatened use of physical violence in or on the real  
429 property comprising a public or private elementary or secondary  
430 school or at a school-sponsored activity as defined in subsection (h) of  
431 section 10-233a, and [that such person] (3) has not been convicted in  
432 any other state at any time of an offense the essential elements of  
433 which are substantially the same as such an offense.

434 (b) The court, after consideration of the recommendation of the  
435 state's attorney, assistant state's attorney or deputy assistant state's  
436 attorney in charge of the case, may, in its discretion, grant such  
437 application. If the court grants such application, it shall refer such  
438 person to the Court Support Services Division for assessment and  
439 confirmation of the eligibility of the applicant. The Court Support  
440 Services Division, in making its assessment and confirmation, may rely  
441 on the representations made by the applicant under oath in open court  
442 with respect to convictions in other states of offenses specified in

443 subsection (a) of this section. As a condition of eligibility for  
444 participation in such program, the student and the parents or guardian  
445 of such student shall certify under penalty of false statement that, to  
446 the best of such person's knowledge and belief, such person does not  
447 possess any firearms, dangerous weapons, controlled substances or  
448 other property or materials the possession of which is prohibited by  
449 law or in violation of the law. Upon confirmation of eligibility, the  
450 defendant shall be referred to the Court Support Services Division for  
451 evaluation and placement in an appropriate school violence  
452 prevention program for one year.

453 (c) Any person who enters the program shall agree: (1) To the  
454 tolling of the statute of limitations with respect to such crime, (2) to a  
455 waiver of the right to a speedy trial, (3) to participate in a school  
456 violence prevention program offered by a provider under contract  
457 with the Court Support Services Division pursuant to subsection (g) of  
458 this section, and (4) to successfully complete the assigned program.  
459 The court may order such person to perform not more than twenty-  
460 five hours of community service if the person is entering the program  
461 for a second or subsequent time. If the Court Support Services Division  
462 informs the court that the defendant is ineligible for the program and  
463 the court makes a determination of ineligibility or if the program  
464 provider certifies to the court that the defendant did not successfully  
465 complete the assigned program, the court shall order the court file to  
466 be unsealed, enter a plea of not guilty for such defendant and  
467 immediately place the case on the trial list.

468 (d) The Court Support Services Division shall monitor the  
469 defendant's participation in the assigned program and the defendant's  
470 compliance with the orders of the court including, but not limited to,  
471 maintaining contact with the student and officials of the student's  
472 school.

473 (e) If such defendant satisfactorily completes the assigned program  
474 and one year has elapsed since the defendant was placed in the

475 program, such defendant may apply for dismissal of the charges  
476 against such defendant and the court, on reviewing the record of such  
477 defendant's participation in such program submitted by the Court  
478 Support Services Division and on finding such satisfactory completion,  
479 shall dismiss the charges. If the defendant does not apply for dismissal  
480 of the charges against the defendant after satisfactorily completing the  
481 assigned program and one year has elapsed since the defendant was  
482 placed in the program, the court, upon receipt of the record of the  
483 defendant's participation in such program submitted by the Court  
484 Support Services Division, may on its own motion make a finding of  
485 such satisfactory completion and dismiss the charges.

486 (f) The cost of participation in such program shall be paid by the  
487 parent or guardian of such student, except that no student shall be  
488 excluded from such program for inability to pay such cost provided (1)  
489 the parent or guardian of such student files with the court an affidavit  
490 of indigency or inability to pay, and (2) the court enters a finding  
491 thereof. The court shall waive all application and program fees for any  
492 person who enters such program and has been determined indigent  
493 and eligible for representation by a public defender, appointed  
494 pursuant to section 51-296.

495 (g) The Court Support Services Division shall contract with service  
496 providers, develop standards and oversee appropriate school violence  
497 prevention programs to meet the requirements of this section.

498 (h) The school violence prevention program shall consist of at least  
499 eight group counseling sessions in anger management and nonviolent  
500 conflict resolution. In addition, the court may order any person  
501 participating in the program for a second or subsequent time to  
502 perform not more than twenty-five hours of community service.

503 Sec. 7. Subsections (h) and (i) of section 46b-38c of the 2014  
504 supplement to the general statutes are repealed and the following is  
505 substituted in lieu thereof (*Effective from passage*):



506 (h) (1) There shall be a pretrial family violence education program  
507 for persons who are charged with family violence crimes. At a  
508 minimum, such program shall inform participants of the basic  
509 elements of family violence law and applicable penalties. The court  
510 may, in its discretion, invoke such program on motion of the  
511 defendant when it finds: (A) That the defendant has not previously  
512 been convicted of a family violence crime which occurred on or after  
513 October 1, 1986; (B) the defendant has not had a previous case assigned  
514 to the family violence education program; (C) the defendant has not  
515 previously invoked or accepted accelerated rehabilitation under  
516 section 54-56e for a family violence crime which occurred on or after  
517 October 1, 1986; and (D) that the defendant is not charged with a class  
518 A, class B or class C felony, or an unclassified felony carrying a term of  
519 imprisonment of more than ten years, or unless good cause is shown, a  
520 class D felony, an unclassified offense carrying a term of imprisonment  
521 of more than five years or an offense that involved the infliction of  
522 serious physical injury, as defined in section 53a-3. Participation by  
523 any person in the accelerated pretrial rehabilitation program under  
524 section 54-56e prior to October 1, 1986, shall not prohibit eligibility of  
525 such person for the pretrial family violence education program under  
526 this section. Upon application by any such person for participation in  
527 the program, the court shall, but only as to the public, order the court  
528 file sealed. The court may require that the defendant answer such  
529 questions under oath, in open court or before any person designated  
530 by the clerk and duly authorized to administer oaths, under the  
531 penalties of perjury as will assist the court in making these findings.

532 (2) The court, on such motion, may refer the defendant to the family  
533 violence intervention unit, and may continue the defendant's case  
534 pending the submission of the report of the unit to the court. The court  
535 shall also give notice to the victim or victims that the defendant has  
536 requested assignment to the family violence education program, and,  
537 where possible, give the victim or victims opportunity to be heard.  
538 Any defendant who accepts placement in the family violence

539 education program shall agree to the tolling of any statute of  
540 limitations with respect to the crime or crimes with which the  
541 defendant is charged, and to a waiver of the defendant's right to a  
542 speedy trial. Any such defendant shall appear in court and shall be  
543 released to the custody of the family violence intervention unit for  
544 such period, not exceeding two years, and under such conditions as  
545 the court shall order. If the defendant refuses to accept, or, having  
546 accepted, violates such conditions, the defendant's case shall be  
547 brought to trial. If the defendant satisfactorily completes the family  
548 violence education program and complies with the conditions imposed  
549 for the period set by the court, the defendant may apply for dismissal  
550 of the charges against the defendant and the court, on finding  
551 satisfactory compliance, shall dismiss such charges.

552 (3) Upon dismissal of charges under this subsection, all records of  
553 such charges shall be erased pursuant to section 54-142a.

554 (i) A nonrefundable application fee of one hundred dollars shall be  
555 paid to the court by any person who files a motion pursuant to  
556 subdivision (1) of subsection (h) of this section to participate in the  
557 pretrial family violence education program, and a fee of three hundred  
558 dollars shall be paid to the court by any person who enters the family  
559 violence education program, except that: ~~[no]~~ (1) No person shall be  
560 excluded from such program for inability to pay any such fee,  
561 provided [(1)] (A) the person files with the court an affidavit of  
562 indigency or inability to pay, and [(2)] (B) the court enters a finding  
563 thereof. All such fees shall be credited to the General Fund, and (2) the  
564 court shall waive all application and program fees for any person who  
565 has been determined indigent and eligible for representation by a  
566 public defender, appointed pursuant to section 51-296.

567 Sec. 8. Section 17a-694 of the general statutes is repealed and the  
568 following is substituted in lieu thereof (*Effective from passage*):

569 (a) The Commissioner of Mental Health and Addiction Services or

570 his designee shall appoint one or more clinical examiners to conduct  
571 examinations for alcohol or drug dependency ordered pursuant to the  
572 provisions of section 17a-693. Each examiner shall be authorized by the  
573 department to conduct independent evaluations.

574 (b) The examiner shall determine whether the person being  
575 examined was an alcohol-dependent or drug-dependent person at the  
576 time of the crime. If such person is determined to have been dependent  
577 on alcohol or drugs, the examiner shall further determine (1) the  
578 history and pattern of the dependency, and (2) whether the person  
579 presently needs and is likely to benefit from treatment for the  
580 dependency. If the examiner determines that the person presently  
581 needs and is likely to benefit from treatment, he shall recommend  
582 treatment and state the date when space will be available in an  
583 appropriate treatment program, provided such date shall not be more  
584 than forty-five days from the date of the examination report. A  
585 recommendation for treatment shall include provisions for appropriate  
586 placement and the type and length of treatment and may include  
587 provisions for outpatient treatment.

588 (c) The examiner shall prepare and sign, without notarization, a  
589 written examination report and deliver it to the court, the Court  
590 Support Services Division, the state's attorney and defense counsel no  
591 later than thirty days after the examination was ordered. An  
592 examination report ordered pursuant to this section and section 17a-  
593 693 shall otherwise be confidential and not open to public inspection  
594 or subject to disclosure.

595 (d) No statement made by the person in the course of an  
596 examination under the provisions of this section may be admitted in  
597 evidence on the issue of guilt in a criminal proceeding concerning the  
598 person.

599 (e) The Commissioner of Mental Health and Addiction Services  
600 shall waive any examination fee for any person who has been

601 determined indigent and eligible for representation by a public  
602 defender, appointed pursuant to section 51-296.

603       Sec. 9. Subsection (b) of section 17a-696 of the general statutes is  
604 repealed and the following is substituted in lieu thereof (*Effective from*  
605 *passage*):

606       (b) The court may order suspension of prosecution and order  
607 treatment for alcohol or drug dependency as provided in this section  
608 and sections 17a-697 and 17a-698 if it, after considering information  
609 before it concerning the alcohol or drug dependency of the person,  
610 including the examination report made pursuant to the provisions of  
611 section 17a-694, as amended by this act, finds that (1) the accused  
612 person was an alcohol-dependent or drug-dependent person at the  
613 time of the crime, (2) the person presently needs and is likely to benefit  
614 from treatment for the dependency, and (3) suspension of prosecution  
615 will advance the interests of justice. Treatment may begin no earlier  
616 than the date the clinical examiner reports under the provisions of  
617 section 17a-694, as amended by this act, that space is available in a  
618 treatment program. Upon application by any such person for  
619 participation in a treatment program, the court shall, but only as to the  
620 public, order the court file sealed. The court shall waive all application  
621 and program fees for any person who enters a treatment program and  
622 has been determined indigent and eligible for representation by a  
623 public defender, appointed pursuant to section 51-296.

624       Sec. 10. (NEW) (*Effective from passage*) If a person has been  
625 determined indigent and eligible for representation by a public  
626 defender, appointed pursuant to section 51-296 of the general statutes,  
627 the court may not, as a condition of waiving fees pursuant to section  
628 52-259b of the general statutes, require that such person complete a  
629 program of community service.

630       Sec. 11. Subsection (a) of section 54-56l of the general statutes is  
631 repealed and the following is substituted in lieu thereof (*Effective from*

632 *passage*):

633 (a) There shall be a supervised diversionary program for persons  
634 with a psychiatric [disabilities,] disability or a developmental disability  
635 or persons who are veterans, who are accused of a crime or crimes or a  
636 motor vehicle violation or violations for which a sentence to a term of  
637 imprisonment may be imposed, which crimes or violations are not of a  
638 serious nature. For the purposes of this section, (1) "psychiatric  
639 disability" means a mental or emotional condition, other than solely  
640 substance abuse, that (A) has substantial adverse effects on the  
641 defendant's ability to function, and (B) requires care and treatment,  
642 [and] (2) "developmental disability" means a developmental disability,  
643 as defined in 42 USC 15002(8), that (A) has a substantial adverse effect  
644 on the defendant's ability to function, and (B) requires care and  
645 treatment, and (3) "veteran" means a person who is found, pursuant to  
646 subsection (d) of this section, to have a mental health condition that is  
647 amenable to treatment, and is (A) a veteran, as defined in subsection  
648 (a) of section 27-103, or (B) eligible to receive services from the United  
649 States Department of Veterans Affairs pursuant to Title 38 of the  
650 United States Code.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	53a-39c
Sec. 3	<i>from passage</i>	54-56e
Sec. 4	<i>from passage</i>	54-56g
Sec. 5	<i>from passage</i>	54-56i(g)
Sec. 6	<i>from passage</i>	54-56j
Sec. 7	<i>from passage</i>	46b-38c(h) and (i)
Sec. 8	<i>from passage</i>	17a-694
Sec. 9	<i>from passage</i>	17a-696(b)
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>from passage</i>	54-56l(a)

***Statement of Purpose:***

To: (1) Clarify that application and program fees required by statute for certain pretrial diversionary programs are waived for a person who is represented by a public defender, (2) provide the court with discretion to place offenders in certain diversionary programs for a second or subsequent time, and (3) provide for the sealing of court files for offenders who are placed in diversionary programs.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*